



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 7 अप्रैल, 1973/17 चैत्र, 1895

GOVERNMENT OF HIMACHAL PRADESH FOOD AND SUPPLIES DEPARTMENT ORDER

Simla-2, the 7th April, 1973

No. 11-1/73-Co-op. (F&S)-II.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (Parliament Act 10 of 1955), read with order of Government of India, Ministry of Agriculture (Department of Food) No. G.S.R. 316 (E), dated the 20th June, 1972 G.S.R. No. 452 (E), dated the 25th October, 1972, and G.S.R. No. 168 (E), dated the 13th March, 1973 and all other powers enabling him in this behalf, and with the prior concurrence of the Central Government, the Governor of Himachal Pradesh hereby makes the following order to amend the Himachal Pradesh Foodgrains Dealers Licensing Order, 1968, namely:—

- (1) This Order may be called the Himachal Pradesh Foodgrains Dealers Licensing (First Amendment) Order, 1973.
- (2) In the Himachal Pradesh Foodgrains Dealers Licensing Order, 1968, in Schedule I, the word "wheat" shall be omitted.

Simla-2, the 7th April, 1973

No. 11-1/73-Co-op. (F&S).—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with order of Government of India, Ministry of Agriculture (Department of Food) No. G.S.R. 316 (E), dated the 20th June, 1972, G.S.R. No. 452 (E), dated

the 25th October, 1972 and G.S.R. 168 (E), dated the 13th March, 1973 and all other powers enabling him in this behalf, and with the prior concurrence of the Central Government, the Governor of Himachal Pradesh hereby makes the following order, namely:—

Short title,
extent and
commence-
ment.

1. (1) This order may be called the Himachal Pradesh Wheat Dealers Licensing and Price Control Order, 1973.

(2) It extends to the whole of the State of Himachal Pradesh.

(3) It shall come into force at once.

Definitions.

2. In this order, unless the context otherwise requires:—

(a) “Chakki Owner” means person engaged in grinding of wheat by stone grinders run by electric, diesel, petrol or water power, but shall not include a *chakki* with a maximum milling capacity of two quintals per day;

(b) “dealer” means a person engaged in the business of purchase, sale or storage for sale of wheat in quantity of more than five quintals at any one time and includes a *chakki* owner but does not include a person who:—

(i) stores wheat produced by him by personal cultivation; and

(ii) does not engage in the business of purchase or sale of wheat;

(c) “director” means the Director Civil Supplies, Himachal Pradesh or Deputy Director Civil Supplies, Himachal Pradesh or any other officer appointed by the Government to administer this order or any of the clauses of this order;

(d) “form” means a form set forth in the schedule;

(e) “government” means Government of the State of Himachal Pradesh;

(f) “licensing authority” means all District Magistrates, all District Food and Supplies Controllers and all District Food and Supplies officers in the State in their respective jurisdiction and any other officer appointed by the Government to exercise the powers and perform the duties of the Licensing Authority under this order;

(g) “wheat” includes all products of wheat excluding bran.

Licensing
of dealers.

3. No person shall carry on business as a dealer except under and in accordance with the terms and conditions of a licence, issued, in this behalf, by the Licensing Authority;

Explanation.—For the purpose of this clause, any person, other than a person who produces wheat by personal cultivation, who stores wheat in quantity of more than five quintals at any one time shall, unless contrary is proved, be deemed to be a dealer:

Provided the educational institutions maintaining hostels for students, charitable institutions, hospitals and religious institutions will be exempted from the operation of this clause, subject to the condition that they store wheat for consumption by their inmates only and not for sale.

4. No dealer shall store more than fifty quintals of wheat at any one time:

Maximum limits of storage.

Provided that a *chakki* owner may keep in storage wheat upto its fourteen days milling capacity or one hundred quintals of wheat, at any one time, whichever is less.

5. (1) No dealer shall at a time purchase in one transaction more than fifty quintals of wheat from a person who has produced wheat by personal cultivation.

Limits for transactions of sale or purchase.

(2) No dealer shall sell, wheat to another dealer and more than five quintals of wheat to a non-dealer in one transaction:

Provided further that the State Government may authorise any agency to procure wheat on its behalf from time to time and such agency will be exempted from the operation of this clause.

6. (1) All dealers in wheat licensed under the Himachal Pradesh Foodgrains Dealers Licensing Order, 1968, shall be deemed to be dealers under this order upto and including 20th April, 1973 by which date they shall obtain a licence under this order:

Disposal of excessive stocks of wheat with the dealer licensed under the Himachal Pradesh Foodgrains Dealers Licensing Order 1968.

Provided that the terms and conditions of the licences issued to them under the Himachal Pradesh Foodgrains Dealers Licensing Order, 1968 shall be deemed to be modified so as to be consistent with the provisions of this order.

(2) Every dealer in wheat licensed under the Himachal Pradesh Foodgrains Dealers Licensing Order, 1968 who at the commencement of this order is in possession of wheat exceeding the limits specified in clause 4 of this order shall forthwith intimate the fact to the Licensing Authority and thereafter shall dispose of such wheat in accordance with such directions as may be issued to him by the Licensing Authority.

7. (1) Every application for a licence or renewal thereof shall be made to the licensing authority in Form 'A'.

Issue of Licence.

(2) Every licence issued or renewed under this order shall be in Form B.

8. (1) Every licence granted under this order shall be valid for a period ending the 31st March of the year following that in which it is issued and may be renewed for a period of one year at a time.

Period of licence and fees chargeable.

(2) The fees specified below shall be chargeable in respect of each licence namely:—

| | |
|--|------------|
| (i) For issue of licence | .. Rs. 10 |
| (ii) For renewal of licence | .. Rs. 5 |
| (iii) For issue of a duplicate licence | .. Rs. 10: |

Provided that no fee shall be charged for issue of a duplicate licence if the Licensing Authority is satisfied that the original licence has become defaced, mutilated, illegible or otherwise rendered useless for no fault of the licensee:

Provided further that a licensee who holds a licence for foodgrains under the Himachal Pradesh Foodgrains Dealers Licensing Order, 1968, shall not be liable to pay the fees specified above for obtaining a new licence for the period upto which his existing licence is valid.

(3) A separate licence shall be obtained by a dealer for each place of business:

Provided that a separate licence shall not be required by a dealer when purchases or sales of wheat are affected through another dealer holding a licence for the place where the transaction takes place.

Deposit of
Security.

9. Every dealer who, at the commencement of this order, holds a valid licence granted under the Himachal Pradesh Foodgrains Dealers Licensing Order, 1968, shall within a period of one month of such commencement and every person applying for licence after such commencement shall before the licence is issued to him, deposit with the Licensing Authority security of the value of Rs. 500:

Provided that the owner of a *chakki* shall deposit with the Licensing Authority a security of the value of Rs. 2,000 for the due performance of the conditions of the licence granted to him:

Provided further that the State Government may, by general or special order and subject to such conditions as may be specified in the order, exempt any class of persons from the operation of this clause.

Power to
refuse li-
cence.

10. The Licensing Authority may, after giving the dealer concerned an opportunity of stating his case and for reasons to be recorded in writing; refuse to grant or renew a licence.

Contraven-
tion of con-
dition of
licence.

11. (1) No holder of a licence issued under this order or his agent or servant or any other person, acting on his behalf, shall contravene any of the terms or conditions of the licence and if any such holder or his agent or servant or any other person acting on his behalf contravenes any of the said terms or conditions then without prejudice to any other action, that may be taken against him, his licence may be cancelled or suspended by order in writing of the Licensing Authority:

Provided that no order shall be made under this clause unless the licensee has been given a reasonable opportunity of stating his case against the proposed cancellation or suspension.

(2) The State Government or Director or the Licensing Authority may, from time to time, by general or special order, issue to any dealer such directions regarding purchase, sale and storage for sale and disposal of wheat purchased and stored by him as it may deem fit.

(3) Every dealer or other person to whom any order or direction is issued under any powers conferred by or under this order shall comply with such order or direction.

(4) Notwithstanding anything mentioned above, where a licensee has been convicted by a Court of law in respect of contravention of any order made under section 3 of the Essential Commodities Act, 1955 (10 of 1955) relating to foodstuffs including edible oil seeds and oils and no order staying the conviction has been granted to the licensee by the court concerned, the Licensing Authority may by order in writing cancel his licence:

Provided that where such conviction is set aside in any appeal or revision the Licensing Authority may, on application on Form 'A' by the person whose licence has been cancelled, re-issue the licence to such person.

Forfeiture
of security
deposit.

12. (1) Without prejudice to the provisions of clause 11 where licensee has contravened any of the conditions of the licence and the licensing authority intends to forfeit the security deposited by the licensee or a part thereof the Licensing Authority may, after giving the licensee a reasonable opportunity of stating his case against the forfeiture, if it is satisfied that the whole or a part of such security should be forfeited, pass an order of forfeiture and communicate a copy thereof to the licensee.

(2) The licensee shall, if the amount of security at any time falls short of the amount specified in clause 9, forthwith deposit further security make up that amount on being required by the Licensing Authority to do so.

(3) Upon due compliance by the licensee with all obligations under the licence, the amount of security or such part thereof, which is not forfeited as aforesaid shall be returned to the licensee after the termination of the licence.

13. No dealer shall sell wheat at a rate higher than that fixed by the State Government from time to time and from area to area by notification in the Official Gazette.

Sale Price

14. (1) Any person aggrieved by any order of the licensing authority refusing to grant or renew a licence or cancelling or suspending a licence or forfeiting the security deposited by the licensee under the provisions of this order may appeal to the Director within thirty days of the date of the receipt by him of such order.

Appeal.

(2) No order shall be made under this clause unless the aggrieved person has been given a reasonable opportunity of stating his case.

(3) Pending the disposal of an appeal the Director may direct that the order refusing to renew a licence or the order cancelling or suspending a licence shall not take effect until the appeal is disposed of.

(4) The decision of the Director and subject to that decision the order of the Licensing Authority shall be final.

15. (1) The Licensing Authority or Director or Assistant Food and Supplies Officer or Inspector Civil Supplies or Sub-Inspector Civil Supplies in the State or any other officer authorized by the State Government in this behalf may with such assistance if any, as he thinks fit:—

Power of entry, search seizure etc

(a) require the owner, occupier, or any other person in charge of any place, premises, vehicles or vessel in which he has reasons to believe that any contravention of the provisions of this order or of the conditions of any licence issued there under has been, is being or is about to be committed to produce any book, accounts or other documents showing transactions relating to such contraventions;

(b) enter, inspect or break open and search any place or premises, vehicle or vessel in which he has reasons to believe that any contravention of the provisions of this order or of the conditions of any licence issued thereunder, has been, is being, or is about to be committed;

(c) take or cause to be taken extracts from or copies of any documents showing transactions relating to such contraventions which are produced before him;

(d) search, seize and remove stocks of wheat and the animals, vehicles, vessels or other conveyances used in carrying the said wheat in contravention of the provisions of this order, or of the conditions of the licence issued thereunder and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of wheat and the animals, vehicles, vessels or other conveyances so seized in a court and for their safe custody pending such production.

(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898 (V of 1898), relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause:

Provided that in exercising the powers of entry and search under this clause, due regard shall be paid by the authorized officer to the social and religious customs of the occupants of premises so entered and searched.

Savings

16. Nothing contained in this order shall apply to the purchase, sale or storage for sale of wheat by the departments or institutions of the Government and their Organisations and the Food Corporation of India, established under the Food Corporation Act, 1964.

K. C. PANDEYA,
Secretary.

SCHEDULE

FORM "A"

[See Clause 7(1)]

HIMACHAL PRADESH WHEAT DEALERS LICENSING AND PRICE CONTROL ORDER, 1973

APPLICATION FOR GRANT/RENEWAL OF LICENCE

1. Applicant's name.
2. Applicant's profession.
3. Applicant's residence.
4. Situation of applicant's place of business with particulars as to number of house, mohalla, town or village, police station and district.
5. How long has the applicant been trading in wheat?
6. Did the applicant hold a foodgrains licence on any previous occasion? (If so, give particulars including its suspension or cancellation, if any).
7. Quantities of wheat handled annually during the last three years.
8. Quantity of wheat likely to be handled during the current year.
9. Income tax paid in the two years preceding the year of application (to be indicated separately):

(1)

(2)

10. (a) Quantity of wheat in the possession of the applicant on the date of application.

(b) Complete address of places where wheat is/or proposed to be stored.

I declare that the quantities of wheat specified above are in my possession this day and are held at the Places noted above.

I have carefully read the conditions of licence given in Form 'B' appended to the Himachal Pradesh Wheat Dealers Licensing and Price Control Order, 1973 and I agree to abide by them.

*(a) I have not previously applied for such licence in this district for Wheat.

*(b) I applied for such licence in this district.....on.....
and was/was not granted a licence on.....

*(c) I hereby apply for renewal of licence No....., dated.....
issued to me on.....

*Strike off the clause not applicable.

Place.....

Signature of applicant..

Date.....

FORM "B"

[See Clause 7(2)]

THE HIMACHAL PRADESH WHEAT DEALERS LICENSING AND
PRICE CONTROL ORDER, 1973

Licence for purchase, sale/storage for sale of wheat.

Licence No.....

1. Subject to the provisions of the Himachal Pradesh Dealers Licensing and Price Control Order, 1973, and to the terms and conditions of this licenceis/are hereby authorised to purchase, sell or store for sale, wheat.

.....
.....
.....

2. (a) The licensee shall carry on the aforesaid business at the following place:

(b) Wheat in which the aforesaid business is to be carried on shall not be stored at any place other than any of the godowns mentioned below:—

.....
.....

Note.—If the licensee intends storing or stores his wheat at any place other than those specified above, he shall give prior intimation thereof to the Licensing Authority of such storage and shall produce the licence for making requisite change by the Licensing Authority.

3. (i) The licensee shall, except when specially exempted by the State Government or by the Licensing Authority in this behalf maintain a register of daily accounts for wheat, showing correctly:—

- (a) the opening stock on each day;
- (b) the quantities received on each day showing the place from where and the source from which received;
- (c) the transactions made by the retail dealer at any place, other than the place of business of the retail dealer whether such place belongs to him or not;
- (d) the quantities delivered or otherwise removed on each day showing the places of destination; and
- (e) the closing stock on each day.

(ii) The licensee shall complete his accounts for each day on the day to which they relate, unless prevented by reasonable cause the burden of proving which shall be upon him.

(iii) A licensee who is a producer himself shall separately show the stocks of his own produce in the daily account, if such stocks are stored in his business premises.

4. (1) The licensee shall, except when specially exempted by the State Government or by an officer authorised by the State Government in this behalf, submit to the Licensing Authority concerned a true return, in Form 'C', of the stocks, receipts and deliveries of wheat every fortnight (1st to 15th and 16th to end of the month), so as to reach him within three days after the close of the fortnight.

(2) Licensee shall, however submit their returns in forms printed in colours specified below:—

(a) Licensee storing wheat exceeding fifty quintals.....
Red.

(b) Licensee storing wheat not exceeding fifty quintals.....
White.

5. The licensee shall not contravene the provisions of the Himachal Pradesh Wheat Dealers Licensing and Price Control Order, 1973, or any other order relating to foodstuffs issued under the Essential Commodities Act, 1955 (10 of 1955).

6. The licensee shall not contravene the provisions of any law relating to foodstuffs for the time being in force.

7. The Licensee shall not:—

(i) Enter into any transaction involving purchase, sale or storage for sale of wheat in a speculative manner prejudicial to the maintenance and easy availability of supplies of wheat in the market;

(ii) withhold from sale supplies of wheat ordinarily kept for sale.

8. The licensee shall exhibit at the entrance or some other prominent place of his business premises, the price list of wheat held by him for sale, such price list shall be legibly written in the principal language of the locality concerned. It shall indicate separately the prices of different varieties of wheat.

9. The Licensee shall except when specially exempted by the State Government or by the Licensing Authority in this behalf, issue to every customer at the time of sale a correct receipt or invoice, as the case may be, giving his own name, address and licence number, the name, address and licence number (if any) of the customer, the date of transaction, the quantity sold the price per quintal and the total amount charged and shall keep a duplicate of the same to be available for inspection on demand by the Licensing Authority or any officer authorised by it in this behalf.

10. The Licensee shall give all facilities at all reasonable times to the Licensing Authority or any officer authorised by it or the State Government for the inspection of his stocks and accounts at any shop, godown or other place used by him for the storage, sale or purchase of wheat and for the taking of samples of wheat for examination.

11. The licensee shall comply with any direction that may be given to him by the State Government, Director or the Licensing Authority in regard to purchase, sale and storage for sale and disposal of wheat purchased and stored by him and in regard to the language in which the register, returns,

receipts or invoices mentioned in paras 3, 4 or 9 shall be written and the authentication and maintenance of the register mentioned in para 3.

12. The Licensee shall in a case where he functions in a regulated market abide by such instructions relating to his business as are given by the marketing authority having jurisdiction, and in any other case by such body as may be recognised by the State Government in this behalf.

13. (a) The licensee shall not sell or offer to sell in any locality any wheat at a price higher than that fixed, for sale of that wheat in such locality, by the Central Government or the State Government in pursuance of any power conferred by law.

(b) Every licensee shall take adequate measures to ensure that wheat stored by him is maintained in proper condition and that damages to wheat due to ground moisture, rain, insects, rodents, birds, fire and such other causes are avoided. Suitable dunnage shall be used to avoid damage from ground moisture, and wheat shall be fumigated, with chemicals approved for the purpose by persons who have undergone practical training in that regard. The licensee shall also ensure that fertilizers, insecticides and poisonous chemicals likely to contaminate wheat are not stored alongwith wheat in the same godown or in immediate juxtaposition of wheat stocks.

14. This licence shall be attached to any application for renewal.

15. This licence shall be valid upto

Place.....

Date.....

(Licensing Authority).

FORM 'C'
FOR USE BY A DEALER
(See condition 4 of Form B)

RETURNS OF STOCKS, RECEIPTS AND SALES OF WHEAT FOR
THE FORTNIGHT ENDING 197

Name ..
No. of licence ..
Address ..
Particulars of godowns where
stocks held ..
Variety of the wheat ..

| Particulars | Quantity in (quintals) | Remarks, if any |
|-------------|---------------------------|-----------------|
|-------------|---------------------------|-----------------|

1. Stocks indicating separately for wheat/atta/suji/maida at the beginning of the fortnight.

(a) Actually with the dealer.. ..

- (b) Pledged with any person or institution such as a Bank or Co-operative Society ..

TOTAL ..

| Particulars | Quantity in (quintals) | Remarks, if any |
|---|------------------------|-----------------|
| 2. (a) Quantity purchased during the fortnight and the source of supply .. | | |
| (b) (i) Total quantity purchased during the quarter ending .. | | |
| (ii) Average price paid .. | | |
| 3. Quantity sold (indicating separately for wheat/atta/maida/suji). | | |
| (a) quantity sold and delivered/removed during the fortnight..... | | |
| (1) Locally or for movement to places within the State of Himachal Pradesh. | | |
| (2) For movement to other States. | | |
| (3) Total (1) plus (2). .. | | |
| (b) Quantity sold but not yet delivered. | | |
| (1) Locally or for movement within the State of Himachal Pradesh. | | |
| (2) For movement to other States. | | |
| (3) Total (1) plus (2). | | |
| (c) Total (a) (3) plus (b)(3). | | |
| (d) (i) Total quantity sold during the quarter ending. | | |
| (ii) Average price realised/charged. | | |
| 4. Stocks at the end of the fortnight. | | |
| (a) Actually with the stockist. | | |
| (i) Unsold; | | |
| (ii) Sold but awaiting delivery. | | |
| (b) Pledged with any other person or institution, such as Bank or a Co-operative Society .. | | |
| TOTAL .. | | |

5. Details of average margin in respect of stocks of wheat sold during the quarter ending.

- (a) Handling ..
- (b) Transport ..
- (c) ..

| | |
|----------------|----|
| (d) | .. |
| (e) Net profit | .. |

Note.—Information in respect of items 2(b) and 3(d) and 5 shall be furnished by the licensee for each of quarters ending 31st March, 30th June, 30th September and 31st December of every year. This information shall be included in the fortnightly report ending with the respective quarter.

